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TORONTO, 14th July, 1851.

SIR,—I respectfully claim your attention to the subjoined statement of the organization and *position actuelle* of the Brantford and Buffalo Railroad Company :—

Early in the month of January last a few of the leading inhabitants of Brantford, seeing upon the Statute Book of last Session, an Act of Parliament authorizing the formation of Railroad Companies in Upper Canada upon the same plan which they had successfully followed in building Plank Roads, conceived the project of opening, by means of a Railway, the rich and fertile section of country lying between that Town and the foot of Lake Erie. From the favourable grades along the entire route—there being less than twelve inches to the mile elevation to be overcome—the convenience and cheapness of materials for ties, sills, fencing, ballasting, &c.; the straightness of the lines and the absence of any engineering difficulty, and as by passing through or near the flourishing villages of Caledonia, York, Seneca, Indiana, Cayuga, Dunnville, &c., and the well settled townships of Brantford, Onondaga, Tuscarora, Seneca, Canboro', Moulton, Sherbrooke, Wainfleet, Humberstone, and Bertie, considerable aid in building the Road could be relied upon, it was determined at a public meeting of the inhabitants of the Town of Brantford, convened by the Mayor, to proceed at once with the formation of a Company to construct a Railroad from Fort Erie to connect with the main line of the Great Western at or near Brantford. Conceiving that our American friends at Buffalo

would naturally seek an inlet to the interior section of the Western peninsula of the Province, in which Brantford occupies a central position, it was, on the same occasion resolved, that they should be solicited to unite with us. A Delegation was accordingly appointed for this purpose. Having submitted our plans to the chief capitalists of Buffalo these gentlemen at once assured us of their favourable opinion of the undertaking and their readiness to engage in it upon being satisfied that in the opinion of eminent counsel within the Province the acts in question were in all respects sufficient to warrant the formation of the Company, and that their interests as Stockholders (they being non-residents) would be adequately protected.

All doubt upon these points having been removed by the subjoined opinions of the Honourable Messrs. Boulton and Cameron, immediate steps were taken to get the Stock taken up. The Town and Township of Brantford, the Townships of Sherbrooke, Moulton, Canboro', Wainfleet, and Bertie became subscribers in their corporate capacity under By-laws passed at the request of the rate-payers of these several Municipalities, for the sums mentioned in the subjoined summary. The remainder of the stock has been taken up by residents of Brantford, Buffalo and other places along the line of road. Six per cent. amounting to the sum of £9000 (of which £2850 is in debentures of the corporations that have taken stock,) has been paid to the Company's Treasurer. The Instrument of Association duly subscribed by all the original Shareholders including the heads of the several Municipalities above mentioned, with their corporate seals affixed, has, together with the Treasurer's receipt for the sum of £9000, been filed with the County Registrar. The Directors and Officers of the Company have been appointed—books procured—forms of municipal debentures printed; the surveys, comprising three lines over a considerable

portion of the route, have been completed, with estimates and working plans ready for contract ; and the right of way has been acquired over the chief portion of the line.

Although this project has been entered upon in good faith and in the confident expectation that the Company's resources are fully adequate to its accomplishment, it is not, I regret to say, without having some opponents. True it is that our line will afford a more direct and easier route between the two main points, (Buffalo and Detroit,) by avoiding the descent of 45 feet to the mile, from Copetown to the City of Hamilton, and the *detour* by way of Burlington Bay ; in order to reach the frontier by the Branch Line to the Suspension Bridge ; but the main interests and business of these two roads when properly estimated will be found to be distinct, as a short experience, when once they are in operation, cannot fail to establish. The termini of the Branch Line from Burlington Bay to the Suspension Bridge and of the Brantford and Buffalo Road, are upwards of 25 miles apart : their lines will run, throughout the chief portion of their route, at a distance of from 30 to 40 miles from each other : the Southern terminus of the former will be opposite that of the Rochester and Niagara Falls Road, in connection with the *Northern Route* to Albany and New York : that of the latter, will connect with the Buffalo and Hornelsville line, and thence along the New York and Erie Railroad, open to travellers the *Southern Route* to New York. It is certain also that residents along the line of each of these roads can in no degree be benefitted or prejudiced by the construction of the other ; nor can either road divert away travel from the other.

Such being the characteristics that distinguish the Branch Roads above indicated, by which each may prosper independently of the other, and both contribute to the business and receipts of the main trunk line, I venture to claim for the Brantford and Buffalo

line, the peculiar advantage of drawing a class of travel to pass through Canada that would otherwise find some other channel to the Western States. It is well known that notwithstanding the existence of three lines of Railroad to Buffalo, a considerable passenger traffic is still kept up by means of Packet Boats on the Erie Canal. A large number of these passengers, wearied with the delays incident to this mode of travel, can easily be diverted from incurring the perils of a Lake voyage, by being at once ferried over by steamer from the wharf at which they land, to take the direct route by Railroad from immediately opposite Buffalo to Detroit. With increased confidence may we count upon the ready preference which thousands of persons travelling westward by Railroad will give to a route by which they will at once be sent onwards in a direct line to their destination. We may then fairly claim for this route that it will necessarily compete on the most advantageous footing with the Lake Erie steamers and the line of Railway along the south shore of that lake, and divert hither a large amount of travel that would not otherwise be brought to pass through Canada.

In Railway experience previous estimates of the amount of travel over well chosen lines have commonly fallen far short of practical results; because in estimating travel over a section of country, or between distant points, yet new to Railroad improvements, the actual, rather than the prospective, is assumed as the basis of our calculations. The desire by which all are animated to resort to localities to which new facilities of travel are opened; the interchange which new connections and transactions arising from such visits necessarily occasions; the stimulus imparted to agriculture, commerce, manufactures and every other industrial pursuit by new markets being opened, increased demand created for every description of produce and commodity, with better prices and more speedy returns, are commonly underated as

the attendants of Railway improvements, and can be as yet but inadequately appreciated in Canada. One notable instance of the truth of the above remark may be cited. The business and receipts of the Ogdensburgh and Champlain Railroad, (which being chiefly dependent on Canadian traffic, affords a pleasing augury of the success of similar undertakings within the Province,) have, it is well-known, far exceeded the most sanguine expectations of its projectors.

I beg to add, that if there be one fact which more than another Railway experience may be considered to have established, it is, that across a region of country such as the broad peninsula of Canada West, comprising that extensive tract of fertile land which is bounded by Lakes Ontario, Erie, Huron, and the Detroit and St. Clair Rivers, and which, for rapid advancement in agriculture, manufactures, commerce and all the elements of material prosperity, will compare favourably with the western section of New York, in which there are already three lines of Railroad; I repeat, that if there be any one thing that may be considered as certain, in respect of any Railroad project in Upper Canada, it is, that there will be abundant travel and support, as well for the Brantford and Buffalo Railroad, as for the Branch Road to the Suspension Bridge, and that both will alike serve as feeders to the Great Western Main Trunk Line, and swell the tide of westward travel to Detroit.

It is submitted that the foregoing statement and observations establish the following points:—

1st.—That the Brantford and Buffalo Railroad Company has been duly formed and organized under the provision of the Statute of this Province, 13 and 14 Vic., chap. 72.

2nd.—That they have already incurred a considerable expenditure, and contracted liabilities in the employment of agents, engineers, &c., and in acquiring the right of way.

3rd.—That the Municipal Corporations that have become Shareholders, have passed By-laws imposing rates upon all assessable property within their localities, for the payment of the stock they have severally taken, which By-laws they are prohibited from repealing.

4th.—That the line of road which opens a section of country peculiarly adapted to Railway enterprise, and can be constructed at less expense than any other route in Canada, interferes with no existing or contemplated Railway.

5th.—That it will divert hither from the route by Lake Erie and the South Shore Railway, a large amount of travel that would not otherwise pass through Canada.

6th.—That it will largely contribute to the business and receipts of the Main Trunk Line.

Soliciting your attention to the subjoined opinions and statement of the Company's organization,

I remain, Sir,

Respectfully, your ob't Servant,

ARCH'D GILKISON.

In the matter of the projected Railroad from Fort Erie to Brantford :

I have perused the several questions submitted to me by Mr. Gilkison, for my consideration, and am of opinion that the Act of last Session (13 and 14 Victoria, chap. 72) extending the provisions of the Plank Road Act of the previous Session (12th Victoria, chap. 84) to Railroads, authorises parties to form Joint Stock Companies in Upper Canada for the construction of Railroads, in the same manner as Plank Road Companies may be formed. It is true that at first sight, and by the terms of the Preamble, it would seem to have been the intention of the framers of the first mentioned Act to extend the Plank Road Act to Companies formed in the United

Kingdom ; but the first enacting clause is general in its terms, and does not, in my opinion, so limit its provisions. It is in these words :—" That the several powers and privileges in the said (therein) recited Act mentioned, as far as the same may be applicable, shall extend and be considered to apply to all roads made of charcoal, and to to all Railroads or Tram roads, whether the same shall be constructed of iron, wood, or stone, or partly of any of the said materials ; and also to all Companies formed or to be formed in Great Britain or Ireland, whether chartered, registered, or otherwise legally constituted." It will be observed that the provisions of the clause embrace three distinct objects, the last of which alone is referred to in the preamble. The first ; Roads made of Charcoal. This will enable any Joint Stock Companies to construct roads of charcoal, instead of plank, &c. The second ; all Railroads, &c. The third ; all Companies formed or to be formed in Great Britain or Ireland, being the subject particularly set forth in the preamble. The encouragement to invest British capital for these objects, probably suggested the idea of extending the provisions of the Road Act to Railroads ; but when extending its provisions to this object, the Legislature very wisely did not stop there but extended its provisions generally. Building Railroads was the main object, and it could not be of any consequence where the capital came from. The encouragement to British capital was incidental. Therefore I am of opinion, upon the plain interpretation of the Act, giving due meaning to all the terms used, that Joint Stock Companies may be formed to build Railroads in any part of Upper Canada, according to the provisions of the Act, 12 Vic., c. 84.

* * * * *

H. J. BOULTON.

Church Street, }
Toronto, 19th Feb., 1851. }

I fully concur in the foregoing opinion. The Act in question was introduced into and carried through the Assembly by myself, and was intended to embrace the objects stated in Mr. Boulton's opinion, and in my view it does so entirely.

J. HILLYARD CAMERON.

Wellington Chambers, }
19th Feb., 1851. }

THE
BRANTFORD AND BUFFALO
Joint Stock Railroad Company.

Registered and Incorporated under the authority of the Acts of
the Parliament of Canada, 12th Vict., chap. 84,
and 13th and 14th Vict., chap. 72.

PRESIDENT.

JAMES WADSWORTH, Esq., Mayor of the City of Buffalo.

DIRECTORS.

AARON P. PATCHIN, Esq., Banker, Buffalo,
ARNUAH HUNTINGTON, Esq., Brantford,
IGNATIUS COCKSHUTT, Esq., Brantford,
ALEXANDER DOUGLAS, Esq., Reeve, Township of Bertie, Port Erie,
WILLIAM WALLACE, C. E., Buffalo, Chief Engineer,
JAMES CHRISTIE, Esq., (Agent Bank B. N. A.) Brantford Treasurer
ARCHIBALD GILKISON, Brantford, Secretary.

BANKERS.

BANK OF BRITISH NORTH AMERICA.

CAPITAL STOCK—£150,000; divided into 30,000 Shares, of £5 each,
(Six per cent. paid up.)

SUMMARY OF THE DISTRIBUTION OF STOCK.

The Town Council of the Town of Brantford.....	£ 25,000
The Municipality of the Township of Brantford.....	12,500
Do. Township of Bertie.....	10,000
Do. United Townships of Sherbrooke & Moulton.....	5,000
Do. Township of Canboro'.....	2,000
Held by Citizens of Buffalo.....	50,500
Do. by Residents of the Town and neighbourhood of Brantford, Dunnville, Port Erie, and along the line of Road..	45,000
	£150,000

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